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17 Attorneys for
18 Nissan Motor Acceptance Corporation

19 UNITED STATES DISTRICT COURT
20 DISTRICT OF MONTANA

21 NISSAN MOTOR ACCEPTANCE
22 CORPORATION, a California
23 corporation,

24 Plaintiff,

25 vs.

26 ROBERT ALLEN NISSAN OF
27 HELENA, INC., an Idaho corporation;
28 ROBERT T. ALLEN, an individual,

Defendants.

Case No. 6:19-cv-00016-CCL
JOINT DISCOVERY PLAN

1 Pursuant to Rule 26(f), L.R. 16.2(b)(2) and 26.1, as well as this Court's
2 Order, the parties respectfully submit this joint discovery plan.

3 **1. Initial Disclosures**

4 The parties do not request any changes regarding the time, form or
5 requirements of initial disclosures. The parties have already exchanged their initial
6 disclosures.

7 **2. Discovery**

8 To the extent that the matter cannot be resolved by stipulation or settlement,
9 the parties believe discovery will be needed on the following subjects:

10 By Plaintiff:

11 a. Defendants' defenses, in any, to the amounts owed and the sale of
12 collateral previously repossessed by Plaintiff.

13 By Defendants:

14 a. The accounting of amounts owed.

15 b. Sales of collateral seized for sale.

16 **3. Electronically-Stored Information**

17 The parties do not foresee any issues with regards to ESI.

18 **4. Privileged Information**

19 The parties do not foresee any issues with regards to privileged information.

20 **5. Limits on Discovery**

21 The parties do not request any changes to the limits on discovery as set forth
22 in the Federal Rules of Civil Procedure.

23 **6. Likely Areas of Expert Testimony**

24 Plaintiff believes expert testimony may be required on the following subjects:

25 a. Accounting of proceeds from sales of collateral by NMAC;

26 b. The commercial reasonability of sales by NMAC.

27 Defendants believe that expert testimony will be required on the following
28 subjects:

- a. Accounting of proceeds from sales of collateral by NMAC;
- b. The commercial reasonability of sales by NMAC.

7. Disclosure of Experts

Disclosures shall comply with Fed. R. Civ. P. 26(a)(2). The schedule for disclosure is as follows:

- a. Plaintiff's experts by April 17, 2020.
- b. Defendant's experts by May 17, 2020.
- c. Plaintiff's rebuttal experts by June 5, 2020
- d. Defendants' rebuttal experts by June 19, 2019

8. Other Scheduling Deadlines

The parties agree that any amendments to the pleadings and any motions to join additional parties shall be filed by January 15, 2020. The parties agree that fact discovery will close June 26, 2020. The parties agree that expert discovery will close July 31, 2020.

9. Additional Items

None.

10. Neutral Evaluation/Mediation

The parties do not believe a neutral evaluation or mediation would be helpful at this time.

DATED: October 10, 2019

SEVERSON & WERSON
A Professional Corporation

By: /s/ Andrew S. Elliott
Andrew S. Elliott

Attorneys for Nissan Motor Acceptance
Corporation

1 DATED: October 10, 2019

JACKSON, MURDO & GRANT

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3
4 By: /s/ Murry Warhank
Murry Warhank

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6 Attorneys for Robert Allen Nissan of Helena,
7 Inc. and Robert T. Allen
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